

**EXHIBIT 1**

**Kapaloski, Tammy**

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**From:** Kapaloski, Tammy  
**Sent:** Tuesday, May 2, 2023 2:55 PM  
**To:** 'Jesse Salen'  
**Cc:** Brett Foster (foster.brett@dorsey.com); patrick@mcgillco.com; Martin Bader; ebutler@parsonsbehle.com; NThomas@parsonsbehle.com  
**Subject:** RE: Blendtec v. BlendJet - Objs and Resps to Doc Subpoenas

Jesse,

During yesterday's call, we requested that Patrick McGill's access to Blendtec's AEO information and documents be immediately revoked and restricted. As stated in the call, we only very recently discovered a document that Blendjet produced on March 31 that discloses that Patrick McGill is a Blendjet shareholder. On two separate occasions in March, we advised you of our suspicion that Patrick owns a stake in Blendjet, but you remained silent and neither confirmed nor denied that suspicion. If Patrick's role at Blendjet and his status as a Blendjet shareholder had been disclosed to us earlier, we would have immediately sought to amend the standard protective order, but we were kept in the dark. Based on what we have learned, we do not believe that Patrick is a Qualified Recipient entitled to view AEO documents under the protective order. We have tried to take discovery on this issue, but, after much delay, Blendjet, Patrick, and Sheppard Mullin finally responded to the subpoenas and refused to produce any documents. We intend to take this issue up with the Court as soon as possible. We ask that, until the issue is resolved, Blendjet prohibit Patrick from all further access to Blendtec's AEO documents and information.

Your argument below regarding Patrick's role and status at Blendjet does not address the subpoena issues nor does it change the fact that Patrick's general counsel role at Blendjet and ownership stake in Blendjet was concealed to us for the first 16+ months of this case and until after the January 23 deadline to serve written discovery requests. Given the history of concealment, we cannot simply take your word regarding Mr. McGill's relationship with Blendtec, particularly where you continue to refuse to produce any documents to allow us to further explore and verify the facts.

You confirmed during the call yesterday that Patrick and Sheppard Mullin will stand on their objections to the subpoenas and refuse to produce any information. We will move to compel.

Blendtec will be addressing these serious issues with the Court immediately, as this is not something that can be resolved or alleviated through self-serving emails and without discovery regarding the complete picture and full extent of Patrick's role at Blendjet.

Regards,  
Tammy

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**From:** Jesse Salen <[JSalen@sheppardmullin.com](mailto:JSalen@sheppardmullin.com)>  
**Sent:** Monday, May 1, 2023 1:32 PM  
**To:** Kapaloski, Tammy <[kapaloski.tammy@dorsey.com](mailto:kapaloski.tammy@dorsey.com)>; [patrick@mcgillco.com](mailto:patrick@mcgillco.com); Martin Bader <[MBader@sheppardmullin.com](mailto:MBader@sheppardmullin.com)>; [ebutler@parsonsbehle.com](mailto:ebutler@parsonsbehle.com); [NThomas@parsonsbehle.com](mailto:NThomas@parsonsbehle.com)  
**Cc:** Foster, Brett <[foster.brett@dorsey.com](mailto:foster.brett@dorsey.com)>  
**Subject:** RE: Blendtec v. BlendJet - Objs and Resps to Doc Subpoenas

EXTERNAL FROM OUTSIDE DORSEY. BE CAUTIOUS OF LINKS AND ATTACHMENTS.

Tammy and Brett,

Thank you for your time on the call today.

As a follow up to your question about the state of BlendJet's document production, I can confirm that one of the two productions we just produced included a large set of custodial emails (JET018), and we are in the process of preparing additional productions. We are also in the process of preparing the privilege log and will endeavor to produce the log by March 15<sup>th</sup>.

We also discussed generally our position on Blendtec's subpoena to Mr. McGill and indicated that we are standing by the objections as stated in the response we served last week. That being said, on the call you explained that the reason for the subpoena to Mr. McGill was to discover information based on your perceived concerns about Mr. McGill's access to Blendtec AEO information in view of his relationship with BlendJet. As we explained, Mr. McGill was never an employee, officer, or decision maker for BlendJet, and was not involved in BlendJet's decision to use the BLENDJET Mark or the BlendJet Swirl Design Mark. As you know, small ownership interests in companies are common forms of compensation to attorneys and law firms, and do not provide a legitimate basis to deny a company's outside counsel from viewing AEO information under a protective order, particularly where, as is the case here, the outside counsel is not a decision maker for the company.

To further clarify, Mr. McGill contracted to provide legal services for BlendJet for just a few months in 2019, prior to being employed by Sheppard Mullin and almost three years prior to the filing of this lawsuit. Since then he has represented dozens of clients as outside counsel, and continues to represent clients other than BlendJet through his law firm. Mr. McGill has fully complied with the protective order, and there is no reason that he cannot continue to adhere to his obligations thereunder. If you disagree, please send us the legal authority that supports your position.

You also indicated that you believe BlendJet and/or Mr. McGill "concealed" his relationship with BlendJet. To be clear, nothing has been concealed. We reviewed the discovery propounded on BlendJet and still cannot find a request to which Mr. McGill should have been identified for the reasons discussed above. To help us further address your concerns and clear up any issue, can you please identify any documents in addition to JET14130 that you contend raise concerns as to Mr. McGill's ability to view confidential information? We will then consider that information and work with you in good faith to alleviate your concerns.

Regards,

**Jesse A. Salen** | Partner  
+1 858-720-8964 | direct  
[JSalen@sheppardmullin.com](mailto:JSalen@sheppardmullin.com) | [Bio](#)

## SheppardMullin

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**From:** [kapaloski.tammy@dorsey.com](mailto:kapaloski.tammy@dorsey.com) <[kapaloski.tammy@dorsey.com](mailto:kapaloski.tammy@dorsey.com)>

**Sent:** Friday, April 28, 2023 10:22 AM

**To:** Jesse Salen <[JSalen@sheppardmullin.com](mailto:JSalen@sheppardmullin.com)>; [patrick@mcgillco.com](mailto:patrick@mcgillco.com); Martin Bader <[MBader@sheppardmullin.com](mailto:MBader@sheppardmullin.com)>; [ebutler@parsonsbehle.com](mailto:ebutler@parsonsbehle.com); [NThomas@parsonsbehle.com](mailto:NThomas@parsonsbehle.com)

**Cc:** [foster.brett@dorsey.com](mailto:foster.brett@dorsey.com)

**Subject:** RE: Blendtec v. BlendJet - Objs and Resps to Doc Subpoenas

Jesse: Does 11:30am MST on Monday May 1 work for you?

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**From:** Jesse Salen <[JSalen@sheppardmullin.com](mailto:JSalen@sheppardmullin.com)>

**Sent:** Thursday, April 27, 2023 5:14 PM

**To:** Kapaloski, Tammy <[kapaloski.tammy@dorsey.com](mailto:kapaloski.tammy@dorsey.com)>; [patrick@mcgillco.com](mailto:patrick@mcgillco.com); Martin Bader <[MBader@sheppardmullin.com](mailto:MBader@sheppardmullin.com)>; [ebutler@parsonsbehle.com](mailto:ebutler@parsonsbehle.com); [NThomas@parsonsbehle.com](mailto:NThomas@parsonsbehle.com)

**Cc:** Foster, Brett <[foster.brett@dorsey.com](mailto:foster.brett@dorsey.com)>

**Subject:** RE: Blendtec v. BlendJet - Objs and Resps to Doc Subpoenas

EXTERNAL FROM OUTSIDE DORSEY. BE CAUTIOUS OF LINKS AND ATTACHMENTS.

Tammy,

We are generally available on Monday morning or Tuesday afternoon.

Thanks,  
Jesse

**Jesse A. Salen** | Partner  
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**From:** [kapaloski.tammy@dorsey.com](mailto:kapaloski.tammy@dorsey.com) <[kapaloski.tammy@dorsey.com](mailto:kapaloski.tammy@dorsey.com)>

**Sent:** Thursday, April 27, 2023 2:52 PM

**To:** Jesse Salen <[JSalen@sheppardmullin.com](mailto:JSalen@sheppardmullin.com)>; [patrick@mcgillco.com](mailto:patrick@mcgillco.com); Martin Bader <[MBader@sheppardmullin.com](mailto:MBader@sheppardmullin.com)>; [ebutler@parsonsbehle.com](mailto:ebutler@parsonsbehle.com); [NThomas@parsonsbehle.com](mailto:NThomas@parsonsbehle.com)

**Cc:** [foster.brett@dorsey.com](mailto:foster.brett@dorsey.com)

**Subject:** RE: Blendtec v. BlendJet - Objs and Resps to Doc Subpoenas

Jesse,

I spoke too soon – we are not available to meet and confer tomorrow. Do you have availability on Monday or Tuesday of next week?

Thank you,  
Tammy

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**From:** Jesse Salen <[JSalen@sheppardmullin.com](mailto:JSalen@sheppardmullin.com)>

**Sent:** Thursday, April 27, 2023 10:53 AM

**To:** Kapaloski, Tammy <[kapaloski.tammy@dorsey.com](mailto:kapaloski.tammy@dorsey.com)>; [patrick@mcgillco.com](mailto:patrick@mcgillco.com); Martin Bader <[MBader@sheppardmullin.com](mailto:MBader@sheppardmullin.com)>; [ebutler@parsonsbehle.com](mailto:ebutler@parsonsbehle.com); [NThomas@parsonsbehle.com](mailto:NThomas@parsonsbehle.com)

**Cc:** Foster, Brett <[foster.brett@dorsey.com](mailto:foster.brett@dorsey.com)>

**Subject:** RE: Blendtec v. BlendJet - Objs and Resps to Doc Subpoenas

EXTERNAL FROM OUTSIDE DORSEY. BE CAUTIOUS OF LINKS AND ATTACHMENTS.

Tammy,

We are available tomorrow afternoon after 1:30 pm PT. Please let us know what time works for you.

Regards,

**Jesse A. Salen** | Partner  
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[JSalen@sheppardmullin.com](mailto:JSalen@sheppardmullin.com) | [Bio](#)

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**From:** [kapaloski.tammy@dorsey.com](mailto:kapaloski.tammy@dorsey.com) <[kapaloski.tammy@dorsey.com](mailto:kapaloski.tammy@dorsey.com)>

**Sent:** Thursday, April 27, 2023 8:37 AM

**To:** [patrick@mcgillco.com](mailto:patrick@mcgillco.com); Martin Bader <[MBader@sheppardmullin.com](mailto:MBader@sheppardmullin.com)>; Jesse Salen <[JSalen@sheppardmullin.com](mailto:JSalen@sheppardmullin.com)>; [ebutler@parsonsbehle.com](mailto:ebutler@parsonsbehle.com); [NThomas@parsonsbehle.com](mailto:NThomas@parsonsbehle.com)

**Cc:** [foster.brett@dorsey.com](mailto:foster.brett@dorsey.com)

**Subject:** FW: Blendtec v. BlendJet - Objs and Resps to Doc Subpoenas

Counsel,

Please let us know your availability tomorrow or on Monday to meet and confer on the attached.

Regards,  
Tammy

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**From:** Kheng Sok <[KSok@sheppardmullin.com](mailto:KSok@sheppardmullin.com)>

**Sent:** Friday, April 21, 2023 4:29 PM

**To:** Kapaloski, Tammy <[kapaloski.tammy@dorsey.com](mailto:kapaloski.tammy@dorsey.com)>; Foster, Brett <[foster.brett@dorsey.com](mailto:foster.brett@dorsey.com)>; Stucki, Sherri <[stucki.sherri@dorsey.com](mailto:stucki.sherri@dorsey.com)>; Foster, Grant <[foster.grant@dorsey.com](mailto:foster.grant@dorsey.com)>

**Cc:** LegalTm-Blendjet-Blendtec <[LegalTm-Blendjet-Blendtec@sheppardmullin.com](mailto:LegalTm-Blendjet-Blendtec@sheppardmullin.com)>; Nathan Thomas <[NThomas@parsonsbehle.com](mailto:NThomas@parsonsbehle.com)>; Liz Butler <[LButler@parsonsbehle.com](mailto:LButler@parsonsbehle.com)>; Patrick McGill <[patrick@mcgillco.com](mailto:patrick@mcgillco.com)>

**Subject:** Blendtec v. BlendJet - Objs and Resps to Doc Subpoenas

EXTERNAL FROM OUTSIDE DORSEY. BE CAUTIOUS OF LINKS AND ATTACHMENTS.

Counsel,

Please see attached for service.

Regards,

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